

**Notice of Allowability**

Application No.

10/696,698

Examiner

Thomas A. Morrison

Applicant(s)

WILLOUGHBY ET AL.

Art Unit

3653

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the examiner interview of 4/17/2007.
2. ☒ The allowed claim(s) is/are 1-5, 7, 8, 10-16 and 18-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|  | 9. <input type="checkbox"/> Other _____  |

### DETAILED ACTION

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John Wright (Reg. No. 49,095) on 4/17/2007.

#### **IN THE CLAIMS:**

In claim 5, line 15 after ";", "and" has been deleted.

In claim 5, line 18 after "member", -- ; and said one dispensing roller is caused to rotate at a greater velocity than said one feed roller in response to rotational movement of said idler member -- has been inserted.

Claim 6 has been canceled.

In claim 16, line 13 after ";", "and" has been deleted.

In claim 16, line 15 after "interval", -- ; and further comprising a lid movable between an open position and closed position, said lid while in the closed position dispensing the packages of medication through said outlet, said lid while in the open position delivering the packages of medication for capture within said chamber -- has been inserted.

Claim 17 has been canceled.

In claim 18, line 1 after "claim", "17" has been replaced with -- 16 --.

Claims 22-55 have been canceled.

***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance:

Independent claim 1 of applicant's 10/19/2006 Amendment is patentable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth, including an apparatus for dispensing packages of medication having dispensatory instructions thereon with a feed mechanism having a pair of feed rollers supported for rotation on a first pair of generally parallel shafts and a pair of dispensing rollers supported for rotation on a second pair of generally parallel shafts, in which the first pair of shafts and the second pair of shafts are generally parallel to each other.

Independent claim 3 of applicant's 10/19/2006 Amendment is patentable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth, including an apparatus for dispensing packages of medication loaded into the apparatus as a string of joined packages having dispensatory instructions thereon with a feed mechanism having a pair of feed rollers biased toward one another to engage the packages and being moveable laterally away from one another as the packages engage and pass between the feed rollers and a pair of dispensing rollers biased toward one another to engage the packages and being moveable laterally away from one another to accommodate the packages as the packages engage and pass between the dispensing rollers.

Independent claim 4 of applicant's 10/19/2006 Amendment is patentable over the prior art of record because the teachings of the references taken as a whole do not

show or render obvious the combination set forth, including an apparatus for dispensing packages of medication having dispensatory instructions thereon with a feed mechanism having a pair of feed rollers arranged to rotate at one velocity and while engaging the packages as the packages pass between the feed rollers and a pair of dispensing rollers arranged to rotate at a velocity greater than the feed rollers and while engaging the packages as the packages pass between the dispensing rollers.

Independent claim 5 of applicant's 10/19/2006 Amendment, as modified by the examiner's amendment, is patentable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth, including an apparatus for dispensing packages of medication having dispensatory instructions thereon with a feed mechanism having a pair of feed rollers arranged to engage the packages as the packages pass between the feed rollers and a pair of dispensing rollers arranged to engage the packages as the packages pass between the dispensing rollers, and an idler member in operable communication with one of the feed rollers and one of the dispensing rollers, the idler member causing the one feed roller and the one dispensing roller to rotate in response to rotational movement of the idler member, and the one dispensing roller is caused to rotate at a greater velocity than the one feed roller in response to rotational movement of the idler member.

Independent claim 10 of applicant's 10/19/2006 Amendment is patentable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth, including an apparatus for dispensing

packages of medication having dispensatory instructions thereon with a feed mechanism having a pair of feed rollers arranged to engage the packages as the packages pass between the feed rollers and a pair of dispensing rollers arranged to engage the packages as the packages pass between the dispensing rollers; and one of the feed rollers and one of the dispensing rollers are laterally spaced a first distance from one another and the other of the feed rollers and the other of the dispensing rollers are laterally spaced a second distance from one another, in which the second distance is greater than the first distance.

Independent claim 16 of applicant's 10/19/2006 Amendment, as modified by the examiner's amendment, is patentable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth, including an apparatus for dispensing packages of medication having dispensatory instructions thereon with a chamber in a cavity, the chamber capturing any packages of medication not dispensed through an outlet within a specified time interval; and further comprising a lid movable between an open position and closed position, in which the lid while in the closed position dispenses the packages of medication through the outlet, and the lid while in the open position delivers the packages of medication for capture within the chamber.

Independent claim 19 of applicant's 10/19/2006 Amendment is patentable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth, including an apparatus for dispensing packages of medication having dispensatory instructions thereon with a feed mechanism having a pair of feed rollers that rotate at one velocity and a pair of dispensing rollers that rotate at a greater velocity than the feed rollers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

04/17/2007



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